

PUBLIC SAFETY OFFICER STANDARDS & TRAINING COUNCIL

Meeting Minutes

February 21, 2008 – 8:30 am

Residence Inn by Marriott, Bozeman, Montana

MEMBERS PRESENT:

Winnie Ore, Wayne Ternes, James Marble, Mike Anderson, Levi Talkington, Tony Harbaugh, Dennis McCave, Frannie Weeks, Bonnie Wahlum, Bob McCarthy, Steve Barry, Mike Reddick, Ray Murray

MEMBER (S) ABSENT:

Hannah Tillman

OTHERS PRESENT:

Deb Butler, Geri Mason, Kevin Olson, Deb Richerson, Larry Myers, Kim Schrenk, Jim Oberhofer, Jim Cashell, Mark Tymrak

I. Call Meeting to Order

Winnie called meeting to order at 8:30am

II. Introductions

Introductions of all POST Members – List POST members
Introductions of Guests -

III. Approval of Minutes from the November 15, 2007, meeting

Bob McCarthy moved to accept Minutes of November 15, 2007, meeting -
Bob McCarthy
Dennis McCave seconded

Motion carries

Mike Anderson - Motion to amend meeting minutes to reflect James Marble as the Chief of Stevensville & on page 2 – change human rights commission to an a constitutional issue

Levi Talkington seconded

Motion carries

IV. Old Business

a. Reserve Office Program

We now have authority over Reserve Officers since the law changed in July – this issue needs to be addressed

Wayne – 88 hours has to be attended over a two year period, minimum required training, reserve officers listed as a public safety officer
POST will track in our system, hire/term slips
Question raised from Mr. Hintz that reserve officers be given certificates f
Dawson community college has a reserve officer program and it exceeds the 88 hours under the law – curriculum will be submitted to see if it meets or exceeds our requirements
Curriculum will have to be reviewed by the POST committee to make sure the classes meet the POST minimum requirements

Levi – make sure that we look at Dawson College’s curriculum or any other curriculum; has no problem with the certificates
Dennis – agrees with Levi – have a curriculum committee review the Dawson County’s curriculum – give them only the Basic Certificate at this time
Bonnie – Flathead Valley Community College also has a training program, not sure if it meets the Reserve Officer Requirements; Flathead Valley Police department & sheriffs office both have a reserve officer program but are different; will need to get the word out that POST now has the responsibility of Reserve Officers
Steve – how many reserve officers do we now have? – might be more of a job to take on by POST
James – enter into this slowly
Wayne – only a data entry issue by entering the Hire/Term slip any rosters that are submitted which is not a problem and very easy

Reserve Officer – 7-32-213 - enter MCA

Winnie – asked Dennis about his hesitation of giving the advanced certificate to a reserve officer
Dennis – they are volunteer, unpaid, citizens, very limited, need to under the direct supervision of a sworn officer to arrest someone, termed them as “recreational officers” but play a very vital role and we could not operate without them – just start with the Basic Certificate and go from there
Levi – agrees with Dennis that we go slowly but these Reserve Officers are very proud of what they do
Ray – write a letter to all colleges to let them know what POST is doing with the Reserve Officer program
Bonnie – Flathead County has an auxillary officer, reserve officer & a Possee
Possee – older gentleman who love to walk around with their vest and deputy shirts on and keep things orderly at the fair
Auxillary – unsworn officer – see definition 7-32-201
Wayne – if a reserve officer goes to the very same training that an officer goes to and the training is POST certified – why can’t a reserve office receive that credit

Winnie – if we restrict the Reserve officer to just a Basic Certificate – we need to make a decision to make the changes to the ARM's

Tony – made a motion to leave the ARM's as written
Seconded - Levi

Discussion -
Motion carries

Winnie – since it is the beginning of EPP process and others getting ready for the Legislative session –clarification of the statute at that time

Jim Oberhofer – made the point that the definition that the reserve officer has to be under the direct supervision of a sworn officer – council needs to look at what is the definition of “direct supervision”

b. Public Safety Communicator Program – Kim Schrenk MSU-GF

Proposal offered about the program offered by MSU – Great Falls for Public Safety Communicators – see handout from Meeting
Enter some of the information listed in the packet

Would have to come to the academy to take the final exam by MLEA – will not give the exam off – site

File the documentation with Wayne for reciprocity – Wayne would approve the written documentation and then the person would be eligible to take the exam at the Academy

Training is good for five years – if they graduate from MSU and 2 ½ years have lapsed – they could file documents to take the test – if they failed the Academy exam, they would then have to re-take the class

MSU – Great Falls – said they would be very interested in looking at the Reserve Officer program – would meet the mission of the college very well

Motion to accept the proposal for the proposed Public Safety Communications Professional Certifications offered by MSU Great Falls – Levi Talkington
Seconded - Steve Barry

Motion carries

V. Financial Report

Wayne – financial condition at this point – under funded when we came on board – House Bill 2 money as of today is “gone” - \$83,000

DOJ supplemented POST from drug forfeiture fund – added in an additional \$62,000

\$43,000 – personal services dollars for administrative costs (wages for new Admin Support person)

\$19,000 – operating costs

DOJ is helping us along and at this time we do not have clear picture – the committee is capturing all of the costs associated with the running of POST and the costs incurred and project those out as we move forward to the legislative session

Would send the annual financial report to all POST members when received; will also type up a report to send out to POST members next week – will send out updates on budget discussions & proposals

Steve – is the forfeiture money in the budget base? – Will need

Levi posted the question to the guests regarding charging a fee for the certificates as a revenue source

Jim Oberhofer – opinion – agency already paying for the attendance to the training, agency may not like to pay again for a Basic or Intermediate Certificate – may run into some resistance from the agencies – may run into a lot of expense for some agencies

Time line – Executive Planning Process has started – Wayne has another meeting with Mike Batista next week to give him what POST has so far - every month there is a meeting scheduled to continue with the EPP process and create a budget – May 1st is the deadline to have the proposals submitted to the governor

Winnie - National Institute of Corrections has been line itemed out of the federal budget – technical assistance, library for criminal justice, training, etc will go away if they are budgeted out

Winnie - begin to budget on how many members can attend certain meetings & conferences so that we as POST have a presence - build that into the business plan

Moving committee reports up to now

VI. New Business

a. Guest Issues

Jim Oberhofer – thanked POST for coming to Bozeman and also for their dedication

b. Legal Counsel's Report

Deb Butler –

Active files – four default hearings – 2 are done; 2 waiting to hear from
hearings examiner (One of the cases “very hot” – being contested
36 open cases

c. POST Director's Report

i. Approval of Certification Requests

Wayne – new ARM's specifically set out “post accredited hours”
Getting requests to add training to folks transcripts after the 180 day
rule – he is asking if he is able to approve those training hours for
classes on a case by case basis

Discussion on issue:

Mike Anderson – earlier POST decided to stick with the 180 day
rule and not let any training be added after the 180 day rule

Wayne – clarified that these training hours are for classes which are
high-end classes

Winnie – give Wayne the authority in policy & procedure to approve
this training hours on a case by case basis

Mike Reddick – not opposed to the higher hours of training such as
the FBI academy

Levi suggested to take the 180 day rule out of the ARMs for the
Applications for Other Training and address this issue in the Policy
& Procedures Manual

For the record, Mike Anderson does not approve in striking out the
180 day rule in the draft of the ARM's.

Dennis McCave obtains from the vote to

- Motion to approve Certification lists as stated with
additions Mike Anderson

Levi Talkington seconded

Motion Carries

ii. Approval of Extension Requests

See list in packet

Deputy Robert Smith – Ravalli County Sheriffs Office
Officer John Knapp – West Yellowstone Police Department

- Motion to approve Extension Requests Mike Anderson
- Tony Harbaugh seconded

Motion carries

Issue regarding letter from City of Boulder – see letter in packet
Wayne brought this letter to the Council's attention as
information that this matter may be an issue that may come up at
a later date

iii. Approval of Equivalency Requests – add in names

Kalispell Police Department – Officer Jeffrey Newell & Officer
Jason Parce

Jefferson County Sheriffs Office - Deputy

- Motion to approve Equivalence Requests Mike Anderson
- Levi Talkington seconded
- Motion carries

Discussion Points brought by Wayne:

First: police commission handbooks – where do they come from
Kevin – publication that POST council put together in late 80's –
most comprehensive publication put out – last publication in 1994

Ray Murray – suggest to wait on sending out an updated police
commission handbook at this time pending legislation – if you do
send it out make sure it is current with present statute

Discussion

Second: What constitutes continuation of certification? Thinking
about this issue

Third: Update on employee for POST – deadline for applications
was February 15, 2008 – working on screening tool

Four: been no less than seven people entering data into the
database – making only one person responsible for entering data

Five: POST written exam – not a current validated exam –
Winnie – should we be sending the written exam out?

Discussion

Kevin – written exams are less costly than Wayne paying postage to send them out

Winnie – suggests that the vendor that Montana Highway Patrol goes through for the written exam come talk to the POST council

Wayne – suggests that he will continue to send them out with a cover letter and will later discuss this issue at the next meeting by bringing vendor information

Motion we allow the law enforcement & correction/detention the current written test to be set out to requesting agencies to continue up to July 1, 2008; after July 1, 2008, we will provide a list of recommended vendors to acquire their own tests; we will develop a process for approving vendors after July 1, 2008 – Bob McCarthy

Second – Steve Barry

Motion to amend Bob McCarthy's motion to include correction/detention exams

Steve Barry seconded

Motion carries

Six: Written exam used in Correction/Detention

Motion

d. Committee Reports

i. ARM Committee

Levi:

Had the committee meeting at the Academy and was held in one day – getting ARMS's foundation set and going from there and working off of that – ARM's done in one day

DISCUSSION BY POST COUNCIL MEMBERS:

Dennis – came across – instructor certification – will be clarified in policies & procedures

1st page – 44-4-401 – all public safety officers shall be
Cannot be registered aliens –

Sworn says one thing and Unsworn says another regarding registered aliens – Dennis wonders why are they different

Page 4 – requirements for basic certificate -
(listen to recording for questions that Dennis has)

Winnie – stated that Dennis' questions on the ARM's should be taken care of with the Policies & Procedures

Bob McCarthy – Statutes, then ARM's – all are laws to be
Statute prevails an Administrative rule – ARM's cannot supersede Statute

Bonnie – ARM's created so that the public would have an idea on how the law is set up for that particular agency

Wayne: ARM's are general – policies & procedures will be more specific on the requirements

Bob McCarthy – full year in what type of job? (Make note)

Frannie – question on page 4 – (g) last sentence – did not receive equivalency course – did not pass – has 36 months to go thru Basic
Can they be employed
State statute says 120 days

Notation to strike the last sentence – Winnie to have legal counsel review

Will need to call a special vote (phone)

When information comes out – need to address the questions at that time – at a critical point right now with the ARM's and not getting them done

Levi – okay with striking the last sentence

Lets table on making a Motion on the ARM's at this time

Change draft of ARM's to read:

Training & service time?

page 3 – requirements for basic certificate ii & iii

not needing to make any changes to G

took out 180 days

Motion to submit the ARM's as corrected for approval to go onto the next step – Levi Talkington

Dennis McCave second

Motion carries

ii. Curriculum Committee

Dennis – Curriculum Committee has not met at this time – the problems with the NIC might be hampering the review

Hoping by the end of summer to have a couple of sessions with the Curriculum Committee

Would like to achieve before our next meeting – hoping to have a curriculum committee scheduled put together

James – reserve curriculum will be going through the committee

Winnie - BJA has some money and they might be a resource for technical assistance

iii. Business Plan Committee

Steve – Justice would have some hire a consultant to help with business plan

Set up meeting with Skip Culver – initial meeting – (Rose) – talked about our immediate needs – short schedule – by 27th of Feb – we are looking at draft proposals

Be in to Justice to skip culver by the March 3rd – forwarded to Governor's planning by May 1st

Second part we have more time – May 20th – would identify segments of a business plan and a meeting to be pulled together

Put together a business plan draft out by the 15th of May

iv. Professionalism & Integrity Committee

Bonnie – announce that Levi has agreed to be co-chair with Bonnie on the committee

Possibility to put together a form (short questionnaire) to go out to le officers and to general public to get feed back on how they feel about their local sheriffs

Levi – doing research – go back 5 to 10 years and look at various de-certifications and look at reasons for the de-certifications - Deb has

list of all de-certifications and anyone who has been suspended from the database

Steve – suggests a survey of agencies and agency administrators to provide information of how many people that have entered into agreements of resignation and what the circumstances were

GO BACK TO LEGAL REPORT

e. New Committee

i. Policy & Procedure

- Winnie - need to have policies & procedures written
- Steve – DOC has a policy specialist and DOC had hired an intern to write policies – maybe an option to hire an intern to develop the drafts of the policies that the council needs
- Committee
 - a. Ray
 - b. Bonnie -Chair
 - c. Frances
 - d. Look into an intern

ii. Reserve Officer Program

- Committee
 - a. James Marble - Chair
 - b. Bonnie Wahlum
 - c. Curriculum Committee will help out
 - d. Mike Zahausky – Laurel Police Department

f. MLEA Report

i. Mr. Kevin Olson – Overview of MLEA

- Reviewed Handout
 - a. MLEA History & Timelines
 - b. MLEA _____
 - c. List of MLEA Staff
 - d. List of MLEA Classes
 - e. Attendance Numbers to MLEA classes
 - f. MLEA Student Manual
 - g. MLEA Montana Codes Annotated
 - h. MLEA Administrative Rules of Montana
- MLEA & POST council has to be a very interactive communication effort between the two; customer base is the end user; in the business to provide good training
- Academy is under a state special revenue for funding - criminal conviction surcharge - \$10.00 surcharge tagged on to the tickets – generates between \$800,00 to \$900,000 a year

- Academy has been updated with new furniture, air conditioning, satellite tv – which makes the Academy a more pleasurable place to be during class
- To provide a four refresher course and make it to all 56 counties to cover Use of Force, ethics, etc
- In order to alleviate moProblems to hold 4th Law Enforcement Officer Basic Course to make more slots available for the LEB class alleviate the number of – 58 in current class, will exceed that number for 2008
 - a. would have to have class in summer which is too hot in the buildings at nite
 - b. Budget is set at 3 three LEB classes – to put on another class would cost approximately \$100,000
 - c. MHP would put on a LEB class themselves to alleviate the problem (one time class per AG McGrath) for only highway patrol officers– to free up some extra slots for others to attend LEB
- Building construction – a couple of weeks ago the building contractors conducted a “sharrette” which lasted a day and a half – talked about the vision of what a training class should be
- Hoping that next week the contractors will have a rough drawing – 1 – 60 seat classroom; 2 - 40 seat classrooms; 2 - 20 seat classrooms; three to four tuck under stalls
- Go to bid in the fall or early winter
- May see a re-configuration of the campus – more of a walking mall type campus
- Recently a failure in the sewer system
- Requested a small room to record videos
- All classrooms will have a camera in them to record the session/training

VII. Council Member Reports

a. Mike Reddick –

- i. Will run their own MHP academy
 - ii. Big classes are starting to come up
 - iii. Looking at 16 openings
 - iv. Start testing in Missoula next week, had 560 applications
 - v. Putting a full-time trainer out to MLEA
 - vi. Going to the new standard test; using the test score within the last year
- Bob McCarthy
 - Things are pretty quiet with the County Attorneys
 - Mental health issues are big with the county attorneys; two meetings coming up on mental health issues

- Bonnie Wahlum
- Ray Murray
 - Now licensing process servers
- James Marble
 - No report

- Mike Anderson

Jag money was cut (Burns funding) by 67 % in early December
 Roland & Mike flew to DC in late January – met with every senator and representative they could for two days
 27 law enforcement agencies on the hill – it is nationwide

Supplemental to the war effort and they would be attached to that – Senator Feinstein
 Think they have money restored but not sure – hopefully in July

Frannie Weeks
 No report

Tony Harbaugh
 Does not represent Sheriffs & Peace officers association
 Sheriffs association is gearing up for legislative issues; mental health is a big issue
 Every two years they have a retreat to work on long & short term planning
 People may get their “walking papers” because of the cut in the JAG money

Dennis McCave
 Still working of the jail standards – running into problems with NIC same as the curriculum review process
 Joint Law Enforcement Conference – July – three major law enforcement representations/associations - named the Montana Law Enforcement Summit – July 21 – 24, 2008, Billings, Montana, Holiday Inn – website should go live by the end of the month

Levi Talkington
 No report

Steve Barry
 Department is pursuing and looking at working with other state agencies for a juvenile mental health treatment issues
 Cancelled P&P Basic in March 2008; looking at larger one this fall
 Looking at 80/20 split now

Adding two community corrections employees; maybe asking legislature for more P&P slots

Bill Barker is our new training specialist for CCD

Working thru EPP process

Staffing at Montana State Prison is full at this point

Hired a new American Indian Liason – Myrna Kuka

VIII. Public Comment

No public comment

Steve Barry – Federal Public Law which allows retired public officers to carry concealed weapons

Not applicable to retired officers at this time because there is no minimum firearms qualifications set in place

Propose to the council that in time there may be legislation on this issue

Need to set up a reasonable minimum firearms qualification standard for retired officers

IX. Adjourn –

Mike Reddick – motion to adjourn

Mike Anderson – seconded motion

Motion carries

Next meeting is May 15, 2008, in Helena, Montana